

## **PLANNING AND ZONING**

**August 18, 2010**

A meeting of the Planning and Zoning Commission of the Town of Trumbull was held in the Council Chambers of the Trumbull Town Hall on Wednesday, August 18, 2010.

Attendance: Gary Bean, Chairman  
Anthony Chory, Chris Costa, Arlyne Fox, Fred Garrity, Jr. and alternates  
Don Scinto and Tony Silber

Also Present: Mario Coppola, Town Attorney; Bill Levin, Town Planner and  
Stephen Savarese, Town Engineer

The following is a brief summary of the meeting. The complete record is on tape on file in the office of the Planning and Zoning Commission.

A quorum being present the Chairman called the meeting to order at 7:30 p.m.

### **PUBLIC HEARING**

#### **SPECIAL PERMIT**

Application #10-27 – Kerry A. Kelly, 6235 Main Street

Pursuant to Art. II, Sec. 1.3.2.7, Special Permit to construct an In-Law/Accessory Apartment above an existing garage.

The applicant Kerry Kelly came forward and presented her plans for the proposed construction.

The Town Engineer confirmed that the submitted plan meets the criteria for an accessory apartment. The plan, as submitted, showed no change to the footprint of the house and indicated that the residential character of the existing dwelling would be maintained.

#### **ZONING AMENDMENT**

Application #10-28 - Amending Art. II, Sec. 2.1 (Design District) of the Zoning Regulations of the Town of Trumbull so as to revise various requirements and provisions of this overlay zone including allowing more than one office in a structure and permitting the rental of office space, as proposed by the Planning and Zoning Commission.

#### **ZONE CHANGE**

Application #10- 29 – Amending the Zoning Map of the Town of Trumbull to expand the Design District located on lower Main Street to include the properties at 5070 Main Street, 5066 Main Street, 5056 Main Street, 5050 Main Street, 5048 Main Street, 5042 Main Street, 5036 Main Street, 5030 Main Street, 11 Botsford Place, 5010 Main Street, 4950 Main Street, 5003 Main Street, 5011 Main Street, 5017 Main Street, 5027 Main Street, 3 Gorham Place, 4 Gorham Place, as proposed by the Planning and Zoning Commission.

The Chairman announced that as Applications #10-28 and #10-29 are interrelated, they would be heard concurrently.

The Town Planner provided an overview of the proposed zoning amendments relative to Art. II, Sec. 2.1 (Design District). He summarized the suggested changes as follows: Rename the Design District to Professional Overlay Zone, to more clearly describe the purpose of this zone. Allow the owner of the property to rent out office space to another individual. Provide the option to approve more than one professional office in a structure and afford the Commission flexibility to vary parking requirements based upon use and traffic study findings. Consider alternate methods for the payment of traffic studies and further clarify the discretion afforded to the Commission to deny an application based upon negative impact to the surrounding neighborhood or detrimental health or safety impacts.

The proposal under Application #10-29 would extend the Design District located on lower Main Street to include an additional seventeen lots. Mr. Levin relayed that the purpose was to improve and enhance the area as it now exists and provide an opportunity for additional residential properties to take advantage of the professional office use. The submitted plan indicated the subject properties to be the remaining lots located on the E/S of Main Street down to the Bridgeport line and six lots on the W/S of Main Street. It was noted that all the properties, included in the application, have existing residential structures with frontage on Main Street.

Commissioner Fox had traffic issues and commented that adding professional offices would only further impact a very congested area. She also had concerns that the proposal would devalue the properties behind these structures.

Commissioner Chory was basically in favor but had issues concerning rentals and multiple uses. He preferred to have the language requiring owner occupancy retained.

The following correspondence, submitted in opposition, was then read into the record by Commissioner Costa: A letter from Louise and Joseph Kalemkerian of 5030 Main St. indicating traffic concerns, two letters signed by several residents of Botsford Place expressing concern that the residential character of the neighborhood would be altered and requesting that previous documentation from Application #10-2 be made part of this

record and a letter from John and Cheryl Miolene of 60 Botsford Place, which addressed their safety concerns.

## Public Comment

The following spoke in favor: Brandee Gilmore, 5003 Main Street; Tom Whelan, 176 Pinewood Trail and the owner of property on White Plains Road; Dave Anand, 58 Firehouse Road; Virginia Malheiro of 11 Botsford Pl. and Albert Mastri, 5042 Main Street. Mr. Mastri submitted photographs of structures within a Design District located in another state.

Those opposed: Joseph Kalemkerian, 5030 Main Street; Robert Dolyak, 21 Botsford Place, Anthony Patti, 13 Gorham Pl; Marcella Barnbin, 5027 Main Street; James DeStefano, 160 Tashua Road; Lynn Madar, 19 Ochsner Place; Erica and Aleda Warren, 5078 Main Street; Charles Curley, 84 Guilford Avenue; Tony D'Aquila, 29 Valley View Road and John Sokol, 7 Gorham Place. Concerns expressed included traffic and safety issues, property devaluation and altering the residential look of this area. The Commission was asked to thoroughly look into these issues prior to taking any action.

The Commission conveyed to the public their commitment to maintaining the residential character of lower Main Street.

Application #10-30 – Amending the Zoning Map of the Town of Trumbull to establish a “B-C Long Hill Green Zone”, which allows for a mix of commercial and residential uses, thereby re-zoning the properties at 6540 Main Street, 6527 Main Street, 6515 Main Street and 10 Broadway from B-C Zone to B-C Long Hill Green Zone and re-zoning the properties at 6537 Main Street, 12 Broadway, 6 Whitney Avenue and 20 Whitney Avenue from A Zone to B-C Long Hill Green Zone, as proposed by the Planning and Zoning Commission.

The Town Planner addressed the application. The proposal would apply the regulation, which created the B-C Long Green Zone, to eight specific parcels surrounding the Long Hill Green. Four of subject properties are currently zoned B-C with the remaining properties zoned Residential A. The proposal before us would provide for a uniform zone at the Long Hill Green.

Commissioner Fox commented that she saw no benefit to the Town from the proposed re-zoning. Commissioner Chory reiterated his opposition for the reasons stated at the July 14<sup>th</sup> hearing.

## Public Comment

### In Favor:

Anand Davendra, 58 Firehouse Road; Attorney John Fallon, representing the DeMarco family; Deborah Cox, Economic Development Director for the Town of Trumbull and Albert Mastri, 5042 Main Street. A letter in support submitted by Ken Martin of 1856 Huntington Turnpike was also read into the record.

Opposed: Rachel Bird of 6045 Main Street commented that something this significant should be brought to a Town referendum; Tom Pieragontini 2944 Nichols Avenue, had concerns relating to the preservation of historical structures in this area. Mr. Pieragostini also presented responses to an opinion survey conducted on mixed-use zones. Additional concerns brought forward by John Lauria, 9 Providence Drive, James DeStefano, 160 Tashua Road and Joan Iovanna, 11212 Arganese Place included traffic and safety issues and transforming the residential character of the Town.

This concluded the Public Hearing.

## **REGULAR MEETING**

### **Acceptance of Minutes**

MOTION MADE (Costa), seconded (Fox) and unanimously carried (Bean, Chory, Costa, Fox, Garrity), to approve the minutes of the June 16, 2010 regular meeting, as submitted.

MOTION MADE (Fox), seconded (Costa) and unanimously carried (Bean, Chory, Costa, Fox, Garrity), to approve the minutes of the June 30, 2010 Special Meeting, as submitted.

MOTION MADE (Fox), seconded (Chory) and unanimously carried (Bean, Chory, Costa, Fox, Garrity), to approve the minutes of the July 14, 2010 Special Meeting, as submitted.

### **Pending Applications**

Application #10-27 – Kerry Kelly, 6235 Main Street

MOTION MADE (Fox), seconded (Chory) and unanimously carried (Bean, Chory, Costa, Fox, Garrity), to approve Application #10-27, as presented and plans submitted.

Application #10-28 – Amending of Art. II, Sec. 2.1 (Design District)

MOTION MADE (Garrity) and seconded (Costa) to approve Application #10-28.

Commissioner Chory indicated that he wished to offer an amendment to the original motion to retain the language in Art. II, Sec. 2.1.3.5, which relates to occupancy, as it is currently stated.

The Town Attorney raised a concern regarding regulating ownership use.

Following the Town Attorney's remarks Commissioner Garrity withdrew his motion for approval of Application #10-28.

MOTION MADE (Chory), seconded (Costa) and unanimously carried (Bean, Chory, Costa, Fox, Garrity) to continue discussion and action on Application #10-28 to the next regularly scheduled meeting.

Application #10-29 – Amending the Zoning Map of the Town of Trumbull - 17 properties on lower Main Street.

MOTION MADE (Costa), seconded (Chory) and unanimously carried (Bean, Chory, Costa, Fox, Garrity) to continue discussion and action on Application #10-29 to the next regularly scheduled meeting.

The Town Attorney to provide legal clarification on the regulating of ownership use.

Application #10-30 – Amending the Zoning Map of the Town of Trumbull to establish a “B-C Long Hill Green Zone”.

MOTION MADE (Garrity), seconded (Costa) to approve Application #10-30, as presented and plans submitted. Vote: In Favor (3): Bean, Costa, Garrity – Opposed (2): Chory, Fox. MOTION CARRIES

Commissioners Chory and Fox commented that the proposal, as presented, was not suitable for this area of Main Street.

There being no further business to discuss a motion was made by Commissioner Fox and seconded by Commissioner Costa to adjourn. The August 18, 2010 meeting of the Planning and Zoning Commission adjourned at 10:45 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog  
Clerk of the Planning and Zoning Commission



